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Filing date: **12/04/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78554967
Applicant	Cuban Cigar Brands, N.V.
Applied for Mark	MONTECRISTO CLASSIC COLLECTION
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Submission	Appeal Brief
Attachments	MONTECRISTO CLASSIC COLLECTION Appeal Brief.pdf (60 pages) (2321697 bytes)
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Filer's e-mail	grimes@gandb.com, rutherford@gandb.com
Signature	/cwg/
Date	12/04/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/554,967
For the Mark MONTECRISTO CLASSIC COLLECTION
By Applicant Cuban Cigar Brands, N.V.
Filed on January 27, 2005

EX PARTE APPEAL BRIEF

GRIMES & BATTERSBY, LLP
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Jessica S. Rutherford, Esq.
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Norwalk, CT 06851
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Attorneys for Applicant Cuban Cigar
Brands, N.V.

INDEX OF CITED CASES

Cases

<i>In re Abcor Development Corp.</i> , 588 F.2d 811, 200 U.S.P.Q. 215, 217 (CCPA 1978)	5
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J. Thomas McCarthy, 3 <i>McCarthy on Trademarks and Unfair Competition</i> (4 th ed. 2005)	5, 6, 8
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STATEMENT OF THE ISSUES

The sole issue before the Board, pursuant to Section 2(e)(1) of the Lanham Act, is whether the wording “Classic Collection” in Applicant’s mark, MONTECRISTO CLASSIC COLLECTION, when applied to Applicant’s goods, is merely descriptive.

RECITATION OF THE FACTS

A. PROCEDURAL HISTORY

Applicant, Cuban Cigar Brands, N.V., filed its application, serial number 78/554,967, for U.S. federal registration of the MONTECRISTO CLASSIC COLLECTION trademark on the Principal Register in International Class 34 for “cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco” on or about January 27, 2005. The application was filed pursuant to Section 1(b) of the Lanham Act.

An Office Action, issued August 29, 2005, stated that the wording “classic collection” merely describes the goods and must be disclaimed, under Section 2(e)(1).

On February 28, 2006, Cuban Cigar Brands, N.V. filed a Response to the Office Action, contesting the Examining Attorney’s claim that the wording is descriptive of the goods.

An Office Action, issued on April 7, 2006, made the requirement for the disclaimer final under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1). The instant ex parte appeal was instituted on October 3, 2006.

B. EVIDENCE OF RECORD

The file of the subject application, including the Office Action, dated August 29, 2005, Applicant's Response to the Office Action, dated February 28, 2006, the Office Action, dated April 7, 2006, and the Exhibits thereto are of record pursuant to 37 C.F.R. §2.142. Applicant further

submits copies of the following registrations, as well as applications for which notices of allowances have issued, for various marks that include the wording “classic collection” (Applicant’s Exhibit 1):

<u>Mark</u>	<u>Reg./Serial No.</u>	<u>Goods</u>	<u>Disclaimer</u>
THE CLASSIC COLLECTION	1,353,985	printed goods/ business card cases	collection
CLASSIC COLLECTION	2,457,951	wooden doors	collection
THE CLASSIC COLLECTION	1,602,105	lampshades	NONE
CLASSIC COLLECTION	1,488,450	business card cases	collection
CLASSIC LIVING COLLECTION	2,716,534	vinyl siding	collection
WALT DISNEY CLASSICS COLLECTION	3,094,956	figurines	collection
CLASSIC HOME COLLECTION	2,882,429	drapery hardware	collection
CLASSIC COLLECTION	1,623,454	decorative switch plate covers	NONE
CLASSIC COLLECTION	2,362,942	water closets/sinks/ lavatories	collection
CLASSIC COLLECTION	2,294,169	paints	collection
THE CLASSIC COLLECTION	1,648,544	cleaning implements	NONE
THE CLASSIC COLLECTION	78/399,207	travel agency tours	collection
SEGA CLASSICS COLLECTION	76/607,941	video game software	collection

ARGUMENT

THE WORDING “CLASSIC COLLECTION” IS NOT MERELY DESCRIPTIVE OF APPLICANT’S GOODS

The Examining Attorney has refused to register Applicant's mark on the Principal Register without a disclaimer of the wording “classic collection” on the ground that this wording merely describes the goods. Trademark Act Section 2(e)(1), 15 U.S.C. § 1052(e)(1); TMEP §§ 1209 *et seq.* Applicant respectfully disagrees with the conclusion reached by the Examining Attorney and submits that the wording is not descriptive. Rather, it is arbitrary.

A mark is merely descriptive if it immediately conveys information concerning a significant ingredient, quality, characteristic, feature, function, purpose, subject matter or use of applicant's goods. *In re Gyulay*, 820 F.2d 1216, 3 U.S.P.Q.2d 1009 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 200 U.S.P.Q. 215, 217 (C.C.P.A. 1978). Conversely, a mark is considered arbitrary if it is in common use but, when used with the goods in issue, it neither suggests nor describes any ingredient, quality or characteristic of those goods. *Tisch Hotels, Inc. v. Americana Inn, Inc.*, 350 F.2d 609 (7th Cir. 1965). To the extent that there are doubts on whether a mark is merely descriptive, said doubts are resolved in favor of the applicant. *In re Gourmet Bakers, Inc.*, 173 U.S.P.Q. 565 (T.T.A.B. 1972).

Section 2(e)(1) explicitly states that the mark must be considered in relation to the goods of the applicant. The descriptiveness of the mark seeking registration is determined on the basis of the goods or services as set forth in the application. *McCarthy on Trademarks and Unfair Competition* § 11:51 (2005); *In re Vehicle Information Network Inc.*, 32 U.S.P.Q.2d 1542 (T.T.A.B. 1994). Therefore, the Examining Attorney must consider the applicant's goods as identified in the application and those goods only.

In the present case, Applicant seeks registration of the mark MONTECRISTO CLASSIC COLLECTION for cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco. The Examining Attorney incorrectly considers the mark in relation to some presumed goods, not necessarily those of the Applicant. The Examining Attorney states that “the wording at issue indicates two characteristics of the applicant’s goods: they are of a well-known type, and they are grouped together” and goes on to proffer evidence demonstrating use of the terms “classic cigar” and “cigar collection.” However, Applicant in no way asserts that its cigars, little cigars, roll-your-own-tobacco, pipe tobacco and smokeless tobacco will be of a well-known type or that Applicant will group them together. In fact, there is no indication whatsoever of the type of cigars, little cigars, roll-your-own-tobacco, pipe tobacco and smokeless tobacco Applicant will offer for sale. Rather than describing Applicant’s goods, the MONTECRISTO CLASSIC COLLECTION mark is arbitrary.

In determining whether a mark is merely descriptive, it is instructive to look to *No Nonsense Fashions, Inc. v. Consolidated Foods Corp.*, 226 U.S.P.Q. 502, 507 (T.T.A.B. 1985), in which the Trademark Trial and Appeal Board adopted the following three-part test: 1) the degree of imagination; 2) competitor's use; and 3) competitor's need.

**A. THE WORDING IN APPLICANT’S MARK REQUIRES A DEGREE OF IMAGINATION
(FIRST NO NONSENSE FACTOR)**

Under the degree of imagination test, the more imagination that is required on the customer's part to perceive the nature of the goods, the less likely it is that the mark will be considered descriptive. A descriptive term clearly conveys an immediate idea about the characteristics of the goods. *McCarthy* § 11:67. Conversely, an arbitrary mark, when used with the goods in issue, neither suggests nor describes any ingredient, quality or characteristic of those goods, though it may comprise a word in common linguistic use. *McCarthy* § 11:11.

Here, the mark is MONTECRISTO CLASSIC COLLECTION for use in connection with cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco. As stated above, there is no evidence in the record that the goods will be of a “classic” type (whatever that may be) or that they will be grouped together. In fact, the application does not even indicate that the cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco will be of any particular type, well-known or otherwise. Accordingly, the mark does not immediately convey the nature of Applicant’s goods.

Furthermore, it is unclear what a “classic collection” of cigars, little cigars, roll-your-own tobacco, pipe tobacco or smokeless tobacco might be. According to the Examining Attorney’s dictionary definition, to the extent that any goods can be grouped together, they can form a “collection,” and to the extent that any type of good becomes well-known, it can be called “classic”. That would mean that the words “collection” and “classic” are de jure descriptive of any type of good at all and can never warrant trademark protection, which is most assuredly not true. The Sixth Circuit soundly rejected the fallacy that the word “classic” is “unworthy of protection” because it is a “common word.” *Wynn Oil Co. v. Thomas*, 839 F.2d 1183 (6th Cir. 1988). The same principle applies to the word “collection,” also a common word.

MONTECRISTO CLASSIC COLLECTION for Applicant’s cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco is an arbitrary mark worthy of trademark protection.

B. APPLICANT’S COMPETITORS DO NOT NEED THE WORDING TO DESCRIBE THEIR GOODS (SECOND NO NONSENSE FACTOR)

The second prong for determining whether wording in a mark is descriptive is the competitor’s need test. Essentially, this test considers whether the applicant’s competitors need

the wording to describe their goods. The less need there is by competitors to use the wording, the less likely the mark is to be considered descriptive. *McCarthy* § 11:68.

Because the wording is arbitrary when used in connection with cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco, competitors clearly do not need the wording "classic collection" to describe their goods. There is a wealth of other terms with which to describe these goods. Furthermore, competitors will not be deprived of the right to use the terms "classic" and "collection" in their descriptive, non-trademark connotation if, in fact, as the Examining Attorney alleges, use of these words would be appropriate when the goods in question are of a well-known type grouped together.

C. APPLICANT'S COMPETITORS HAVE NOT USED THE WORDING FOR SIMILAR GOODS (THIRD NO NONSENSE FACTOR)

The third prong of the test for determining whether wording is merely descriptive is the extent to which competitors have used the wording for similar goods. Frequent use by others is an indication that the mark is descriptive. *McCarthy* § 11:69.

Here, the Examining Attorney has not cited any prior usage (registered or otherwise) incorporating the wording "classic collection" for goods in International Class 34. Instead, the Examining Attorney has submitted Internet evidence showing use of the terms "classic cigar" and "cigar collection." However, the Examining Attorney has failed to submit any evidence showing use of the term "classic collection" in association with cigars, let alone cigars, little cigars, roll-your-own tobacco, pipe tobacco or smokeless tobacco.

The Examining Attorney's Internet evidence of excerpted articles do not even refer to any of the other goods described in the application, namely, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco. Accordingly, the evidence is irrelevant to the present inquiry with regard to these other tobacco products.

Furthermore, even use of the terms “classic cigar” and “cigar collection” certainly cannot be considered widespread or “so frequent that consumers are unlikely to perceive the terms when used in the manner of a trademark as indicating source or origin.” *No Nonsense Fashions*, 226 U.S.P.Q. at 507.

D. APPLICANT’S MONTECRISTO CLASSIC COLLECTION MARK SHOULD NOT BE DENIED REGISTRATION ON THE PRINCIPAL REGISTER

Applicant notes that several marks containing the wording “classic collection” were registered on the Principal Register for various goods and services and were not filed on a Section 2(f) basis or required to disclaim the entire term “classic collection” (see Applicant’s Exhibit 1). Put another way, the registrants of these marks did not have to show that their purportedly otherwise descriptive marks had acquired distinctiveness.

While all of the prior registrations listed above (see App. Exh. 1) are believed to be relevant and are believed to support Applicant’s request for allowance, the Board’s attention is particularly directed to the following prior registrations, in which neither the word “classic” nor the word “collection” is disclaimed:

THE CLASSIC COLLECTION for “lampshades”

CLASSIC COLLECTION for “decorative switchplate covers and electric night lights”

THE CLASSIC COLLECTION for “cleaning implements, namely, brooms, brushes, mops and squeegees”

Presumably, i.e., applying the Examining Attorney’s reasoning, each of these goods could be described as “classic” in some sense or other, and each of them can be grouped together as a “collection,” as can almost any number of goods, if one is so inclined. The fact that each of these marks is nevertheless registered on the Principal Register without any disclaimer whatsoever demonstrates the fallacy of the Examining Attorney’s position. The wording “classic collection”

was not determined to be merely descriptive of these goods, just as it is not descriptive of Applicant's goods.

This evidence further confirms that Applicant's mark as a whole is not merely descriptive and is properly entitled to be registered on the Principal Register.

SUMMARY

For the reasons stated herein, Applicant respectfully urges the Board to sustain this Appeal and grant registration of Applicant's Application Serial No. 78/554967.

Dated: Norwalk, Connecticut
December 4, 2006

Respectfully submitted,

THE APPLICANT,

By: 

Charles W. Grimes, Esq.

Jessica S. Rutherford, Esq.

Grimes & Battersby LLP

488 Main Avenue, Third Floor

Norwalk, CT 06851

(203) 849-8300

Attorneys for the Applicant Cuban Cigar
Brands, N.V.

Int. Cls.: 16 and 18

Prior U.S. Cls.: 3 and 37

United States Patent and Trademark Office

Reg. No. 1,353,985

Registered Aug. 13, 1985

**TRADEMARK
PRINCIPAL REGISTER**

The Classic Collection

SAMSILL CORPORATION (TEXAS CORPORATION)
4301 MANSFIELD HIGHWAY
FORT WORTH, TX 76119

FOR: NOTEPAD COVERS AND HOLDERS,
FIVE-YEAR PLANNING DESK ORGANIZERS,
BINDERS, FILES FOR BUSINESS CARDS AND
ADDRESSES, AND CHECKBOOK COVERS, IN
CLASS 16 (U.S. CL. 37).

FIRST USE 1-0-1981; IN COMMERCE
1-0-1981.

FOR: BRIEFCASE-TYPE PORTFOLIOS AND
BUSINESS CARD CASES, IN CLASS 18 (U.S.
CL. 3).

FIRST USE 1-0-1981; IN COMMERCE
1-0-1981.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "COLLECTION", APART
FROM THE MARK AS SHOWN.

SER. NO. 498,294, FILED 9-7-1984.

DEBORAH S. COHN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:10:17 ET

Serial Number: 73498294 Assignment Information

Registration Number: 1353985

Mark

The Classic Collection

(words only): THE CLASSIC COLLECTION

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 2006-05-20

Filing Date: 1984-09-07

Transformed into a National Application: No

Registration Date: 1985-08-13

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2005-12-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SAMSILL CORPORATION

Address:

SAMSILL CORPORATION
4301 MANSFIELD HIGHWAY
FORT WORTH, TX 76119
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 016

Class Status: Section 8 - Cancelled

NOTEPAD COVERS AND HOLDERS, FIVE-YEAR PLANNING DESK ORGANIZERS, BINDERS, FILES FOR BUSINESS CARDS AND ADDRESSES, AND CHECKBOOK COVERS

Basis: 1(a)

First Use Date: 1981-01-00

First Use in Commerce Date: 1981-01-00

International Class: 018

Class Status: Section 8 - Cancelled

BRIEFCASE-TYPE PORTFOLIOS AND BUSINESS CARD CASES

Basis: 1(a)

First Use Date: 1981-01-00

First Use in Commerce Date: 1981-01-00

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-20 - Canceled Section 8 (10-year)/Expired Section 9

1991-06-20 - Section 8 (6-year) accepted & Section 15 acknowledged

1991-05-23 - Response received for Post Registration action

1991-01-30 - Post Registration action mailed Section 8 & 15

1990-10-15 - Section 8 (6-year) and Section 15 Filed

1985-08-13 - Registered - Principal Register

1985-06-04 - Published for opposition

1985-05-03 - Notice of publication

1985-04-01 - Approved for Pub - Principal Register (Initial exam)

1985-02-13 - Communication received from applicant

1985-01-30 - Non-final action mailed

1984-12-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

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Correspondent

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3500 CITY CENTER TOWER II
301 COMMERCE STREET
FORTH WORTH, TX 76102-4135

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33, and 50

United States Patent and Trademark Office

Reg. No. 2,457,951

Registered June 5, 2001

**TRADEMARK
PRINCIPAL REGISTER**

Classic **COLLECTION**

FLORIDA MADE DOOR COMPANY, INC.
(FLORIDA CORPORATION)
13700 VIRGINIA AVENUE
ASTATULA, FL 34705

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "COLLECTION", APART FROM
THE MARK AS SHOWN.

FOR: WOODEN DOORS, IN CLASS 19 (U.S. CLS. 1,
12, 33 AND 50).

SN 75-597,382, FILED 12-1-1998.

FIRST USE 9-7-2000; IN COMMERCE 9-7-2000.

MARK T. MULLEN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:03:17 ET

Serial Number: 75597382 Assignment Information

Registration Number: 2457951

Mark

Classic **COLLECTION**

(words only): CLASSIC COLLECTION

Standard Character claim: No

Current Status: Registered.

Date of Status: 2001-06-05

Filing Date: 1998-12-01

Transformed into a National Application: No

Registration Date: 2001-06-05

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-10-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Florida Made Door Company, Inc.

Address:

Florida Made Door Company, Inc.
13700 Virginia Avenue
Astatula, FL 34705
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 019

Class Status: Active

WOODEN DOORS

Basis: 1(a)

First Use Date: 2000-09-07

First Use in Commerce Date: 2000-09-07

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-13 - Case File In TICRS

2001-06-05 - Registered - Principal Register

2001-01-18 - Allowed for Registration - Principal Register (SOU accepted)

2001-01-10 - Assigned To Examiner

2001-01-06 - Statement of use processing complete

2000-10-26 - Amendment to Use filed

2000-06-13 - Notice of allowance - mailed

2000-03-21 - Published for opposition

2000-02-18 - Notice of publication

2000-01-29 - Approved for Pub - Principal Register (Initial exam)

2000-01-18 - Examiner's amendment mailed

1999-08-09 - Non-final action mailed

1999-07-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Barry C. Kane

Correspondent

BARRY C KANE

MILLER JOHNSON SNELL & CUMMISKEY PLC

PO BOX 306

250 MONROE AVENUE NW SUITE 800

GRAND RAPIDS MICHIGAN 49501-0306

Int. Cl.: 11

Prior U.S. Cls.: 21 and 32

United States Patent and Trademark Office

Reg. No. 1,602,105

Registered June 19, 1990

**TRADEMARK
PRINCIPAL REGISTER**

THE CLASSIC COLLECTION

**DIANE STUDIOS, INC. (NEW YORK CORPO-
RATION)
34 35TH STREET
BROOKLYN, NY 11232**

**FIRST USE 7-0-1984; IN COMMERCE
7-0-1984.**

SER. NO. 73-743,815, FILED 8-3-1988.

**FOR: LAMPSHADES, IN CLASS 11 (U.S. CLS.
21 AND 32).**

CANDICE ABATE, EXAMINING ATTORNEY

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Serial Number: 73743815 Assignment Information

Registration Number: 1602105

Mark (words only): THE CLASSIC COLLECTION

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-01-26

Filing Date: 1988-08-03

Transformed into a National Application: No

Registration Date: 1990-06-19

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-01-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIANE STUDIOS, INC.

Address:

DIANE STUDIOS, INC.
34 35TH STREET
BROOKLYN, NY 11232
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

LAMPSHADES

Basis: 1(a)

First Use Date: 1984-07-00

First Use in Commerce Date: 1984-07-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2001-01-26 - First renewal 10 year

2001-01-26 - Section 8 (10-year) accepted/ Section 9 granted

2000-06-21 - Combined Section 8 (10-year)/Section 9 filed

1996-09-07 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-06-12 - Section 8 (6-year) and Section 15 Filed

1990-06-19 - Registered - Principal Register

1990-03-27 - Published for opposition

1990-03-01 - Notice of publication

1990-01-18 - Approved for Pub - Principal Register (Initial exam)

1989-08-21 - Petition To Revive-Granted

1989-06-30 - Petition To Revive-Received

1989-06-13 - Abandonment - Failure To Respond Or Late Response

1988-09-27 - Non-final action mailed

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NEW YORK, NY 10016-0601

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 73671334 Assignment Information

Registration Number: 1488450

Mark (words only): CLASSIC COLLECTION

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 1993-09-16

Filing Date: 1987-07-13

Transformed into a National Application: No

Registration Date: 1988-05-17

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1993-10-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SAMSILL CORPORATION

Address:
SAMSILL CORPORATION
4301 MANSFIELD HIGHWAY
FORT WORTH, TX 76119
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 018
Class Status: Active
BRIEFCASE-TYPE PORTFOLIOS AND BUSINESS CARD CASES
Basis: 1(a)
First Use Date: 1981-01-00
First Use in Commerce Date: 1981-01-00

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1993-09-16 - Section 8 (6-year) accepted & Section 15 acknowledged

1993-06-03 - Section 8 (6-year) and Section 15 Filed

1988-05-17 - Registered - Principal Register

1988-02-23 - Published for opposition

1988-01-22 - Notice of publication

1987-12-08 - Approved for Pub - Principal Register (Initial exam)

1987-11-16 - Communication received from applicant

1987-10-27 - Non-final action mailed

1987-09-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

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Correspondent

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3500 CITY CENTER TOWER II

301 COMMERCE STREET

FORT WORTH, TX 76102-4135

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33, and 50

United States Patent and Trademark Office

Reg. No. 2,716,534

Registered May 13, 2003

**TRADEMARK
PRINCIPAL REGISTER**

CLASSIC LIVING COLLECTION

ALCOA INC. (PENNSYLVANIA CORPORATION)
ALCOA CORPORATE CENTER
201 ISABELLA STREET
PITTSBURGH, PA 152125858

FOR: VINYL SIDING FOR SALE THROUGH
BUILDING PRODUCT DISTRIBUTORS AND LUM-
BER YARDS, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND
50).

FIRST USE 1-15-2001; IN COMMERCE 1-15-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "COLLECTION", APART FROM
THE MARK AS SHOWN.

SN 78-019,945, FILED 8-7-2000.

KELLY BOULTON, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 78019945 Assignment Information

Registration Number: 2716534

Mark (words only): CLASSIC LIVING COLLECTION

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-05-13

Filing Date: 2000-08-07

Transformed into a National Application: No

Registration Date: 2003-05-13

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-05-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ALCOA HOME EXTERIORS, INC

Address:

ALCOA HOME EXTERIORS, INC
1590 OMEGA DRIVE OMEGA CORPORATE CENTER
PITTSBURGH, PA 15205
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Ohio

GOODS AND/OR SERVICES

International Class: 019

Class Status: Active

Vinyl siding for sale through building product distributors and lumber yards

Basis: 1(a)

First Use Date: 2001-01-15

First Use in Commerce Date: 2001-01-15

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-20 - Automatic Update Of Assignment Of Ownership

2006-08-23 - Attorney Revoked And/Or Appointed

2006-08-23 - TEAS Revoke/Appoint Attorney Received

2003-05-13 - Registered - Principal Register

2003-03-22 - Allowed for Registration - Principal Register (SOU accepted)

2003-02-19 - Communication received from applicant

2003-02-19 - PAPER RECEIVED

2002-12-20 - Non-final action mailed

2002-11-22 - Assigned To Examiner

2002-11-20 - Statement of use processing complete

2002-10-17 - Amendment to Use filed

2002-10-17 - TEAS Statement of Use Received

2002-08-13 - Notice of allowance - mailed

2002-05-21 - Published for opposition

2002-05-01 - Notice of publication

2002-01-17 - Approved for Pub - Principal Register (Initial exam)

2001-12-01 - Assigned To Examiner

2001-11-30 - Assigned To Examiner

2001-07-12 - Communication received from applicant

2001-06-25 - Final refusal mailed

2001-03-07 - Communication received from applicant

2001-01-17 - Non-final action mailed

2001-01-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

James H. Donoian, G. Roxanne Elings, David Greenberg, Jessica Turko, David Saenz, Anna Dalla Val, Dana Schuessler, Daniel Schloss and all attorneys

Correspondent

James H. Donoian, G. Roxanne Elings, David
Greenberg Taurig LLP
200 Park Avenue
New York NY 10166
Phone Number: 212 801 9200
Fax Number: 212 801 6400

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 3,094,956

United States Patent and Trademark Office

Registered May 23, 2006

**TRADEMARK
PRINCIPAL REGISTER**

**WALT DISNEY
CLASSICS
COLLECTION**

DISNEY ENTERPRISES, INC. (DELAWARE CORPORATION)
500 SOUTH BUENA VISTA STREET
BURBANK, CA 91521

FOR: FIGURINES MADE OF CERAMICS AND/OR PORCELAIN, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 12-31-1992; IN COMMERCE 12-31-1992.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,759,132.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLLECTION", APART FROM THE MARK AS SHOWN.

THE NAME IN THE MARK DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SER. NO. 78-420,024, FILED 5-17-2004.

MATTHEW PAPPAS, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:14:12 ET

Serial Number: 78420024 Assignment Information

Registration Number: 3094956

Mark

WALT DISNEY
CLASSICS
COLLECTION

(words only): WALT DISNEY CLASSICS COLLECTION

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-05-23

Filing Date: 2004-05-17

Transformed into a National Application: No

Registration Date: 2006-05-23

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Disney Enterprises, Inc.

Address:

Disney Enterprises, Inc.
500 South Buena Vista Street
Burbank, CA 91521
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: 818-560-6636

Fax Number: 818-560-6636

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

Figurines made of ceramics and/or porcelain

Basis: 1(a)

First Use Date: 1992-12-31

First Use in Commerce Date: 1992-12-31

ADDITIONAL INFORMATION

Disclaimer: "collection"

Name Portrait Consent: The name in the mark does not identify a living individual.

Prior Registration Number(s):

2759132

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-10 - TEAS Change Of Correspondence Received

2006-05-23 - Registered - Principal Register

2006-02-28 - Published for opposition

2006-02-08 - Notice of publication

2006-01-13 - Law Office Publication Review Completed

2006-01-13 - Assigned To LIE

2006-01-11 - Approved for Pub - Principal Register (Initial exam)

2006-01-05 - Amendment From Applicant Entered

2005-12-20 - Communication received from applicant

2005-12-20 - PAPER RECEIVED

2005-06-29 - NON-FINAL ACTION E-MAILED

2005-06-29 - Non-Final Action Written

2005-06-10 - Amendment From Applicant Entered
2005-05-23 - Communication received from applicant
2005-05-23 - PAPER RECEIVED
2004-11-24 - Non-final action e-mailed
2004-11-24 - Non-Final Action Written
2004-11-19 - Assigned To Examiner
2004-05-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Joseph Quigley

Correspondent

Steven Plotkin

The Walt Disney Company

500 South Buena Vista Street

Burbank CA 91521

Phone Number: 818-560-7646

Fax Number: 818-848-6424

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

United States Patent and Trademark Office

Reg. No. 2,882,429

Registered Sep. 7, 2004

**TRADEMARK
PRINCIPAL REGISTER**

CLASSIC HOME COLLECTION

HOUSE PARTS, INC. (GEORGIA CORPORATION)
479 WHITEHALL STREET, SW
ATLANTA, GA 30303

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "COLLECTION", APART FROM
THE MARK AS SHOWN.

FOR: NON-METAL DRAPERY HARDWARE,
NAMELY, FINIALS, MEDALLIONS, TIEBACKS,
BRACKETS, DRAPERY POLES, AND RINGS, IN
CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

SN 76-421,466, FILED 6-14-2002.

FIRST USE 4-29-2003; IN COMMERCE 4-29-2003.

KATHLEEN M. VANSTON, EXAMINING ATTOR-
NEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:14:40 ET

Serial Number: 76421466 Assignment Information

Registration Number: 2882429

Mark (words only): CLASSIC HOME COLLECTION

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-09-07

Filing Date: 2002-06-14

Transformed into a National Application: No

Registration Date: 2004-09-07

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-09-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. House Parts, Inc.

Address:

House Parts, Inc.
479 Whitehall Street, SW
Atlanta, GA 30303
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Georgia

GOODS AND/OR SERVICES

International Class: 020

Class Status: Active

Non-metal drapery hardware, namely, finials, medallions, tiebacks, brackets, drapery poles, and rings

Basis: 1(a)

First Use Date: 2003-04-29

First Use in Commerce Date: 2003-04-29

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-09-07 - Registered - Principal Register

2004-06-15 - Allowed for Registration - Principal Register (SOU accepted)

2004-06-03 - Statement of use processing complete

2004-05-20 - Amendment to Use filed

2004-05-28 - Case File In TICRS

2004-05-20 - PAPER RECEIVED

2004-01-06 - TEAS Change Of Correspondence Received

2003-11-25 - Notice of allowance - mailed

2003-09-02 - Published for opposition

2003-08-13 - Notice of publication

2003-06-24 - Approved for Pub - Principal Register (Initial exam)

2003-04-29 - Communication received from applicant

2003-04-30 - Communication received from applicant

2003-04-30 - PAPER RECEIVED

2002-10-29 - Non-final action mailed

2002-10-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Sumner C. Rosenberg

Correspondent

SUMNER C. ROSENBERG
NEEDLE & ROSENBERG, P.C.

Suite 1000
999 Peachtree Street
Atlanta GA 30309-3915
Phone Number: 678-420-9300
Fax Number: 678-420-9301

Int. Cls.: 9 and 11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,623,454

Registered Nov. 20, 1990

**TRADEMARK
PRINCIPAL REGISTER**

*Classic
Collection*_____

AMERICAN TACK & HARDWARE CO., INC.
(NEW YORK CORPORATION)
25 ROBERT PITT DRIVE
MONSEY, NY 10952

FOR: DECORATIVE SWITCHPLATE
COVERS, IN CLASS 9 (U.S. CL. 21).
FIRST USE 11-30-1988; IN COMMERCE
8-31-1989.

FOR: ELECTRIC NIGHT LIGHTS, IN CLASS
11 (U.S. CL. 21).

FIRST USE 11-30-1988; IN COMMERCE
8-31-1989.

SER. NO. 74-029,444, FILED 1-16-1990.

LINDA E. BOHANNON, EXAMINING ATTOR-
NEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:09:48 ET

Serial Number: 74029444 Assignment Information

Registration Number: 1623454

Mark

*Classic
Collection*

(words only): CLASSIC COLLECTION

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 1997-05-26

Filing Date: 1990-01-16

Transformed into a National Application: No

Registration Date: 1990-11-20

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1990-12-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. American Tack & Hardware Co., Inc.

Address:

American Tack & Hardware Co., Inc.
25 Robert Pitt Drive
Monsey, NY 10952
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 009

Class Status: Section 8 - Cancelled

DECORATIVE SWITCHPLATE COVERS

Basis: 1(a)

First Use Date: 1988-11-30

First Use in Commerce Date: 1989-08-31

International Class: 011

Class Status: Section 8 - Cancelled

ELECTRIC NIGHT LIGHTS

Basis: 1(a)

First Use Date: 1988-11-30

First Use in Commerce Date: 1989-08-31

ADDITIONAL INFORMATION

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1997-05-26 - Canceled Section 8 (6-year)

1990-11-20 - Registered - Principal Register

1990-08-28 - Published for opposition

1990-07-28 - Notice of publication

1990-06-02 - Approved for Pub - Principal Register (Initial exam)

1990-06-02 - Assigned To Examiner

1990-05-15 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

David Goldberg

Correspondent

David goldberg
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

Reg. No. 2,362,942

United States Patent and Trademark Office

Registered June 27, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CLASSIC COLLECTION

CR/PL, L.L.C. (DELAWARE LIMITED LIABILITY
COMPANY)
1235 HARTREY AVENUE
EVANSTON, IL 60202

FOR: WATER CLOSETS, SINKS, AND LAVA-
TORIES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND
34).

FIRST USE 7-0-1999; IN COMMERCE 7-0-1999.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "COLLECTION", APART FROM THE
MARK AS SHOWN.

SN 75-469,431, FILED 4-17-1998.

SCOTT BALDWIN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:04:12 ET

Serial Number: 75469431 Assignment Information

Registration Number: 2362942

Mark (words only): CLASSIC COLLECTION

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-09-11

Filing Date: 1998-04-17

Transformed into a National Application: No

Registration Date: 2000-06-27

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-09-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CRANE PLUMBING LLC

Address:

CRANE PLUMBING LLC
1235 HARTREY AVENUE
EVANSTON, IL 60202
United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

water closets, sinks, and lavatories

Basis: 1(a)

First Use Date: 1999-07-00

First Use in Commerce Date: 1999-07-00

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-11 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-09-07 - Assigned To Paralegal

2006-06-26 - Section 8 (6-year) and Section 15 Filed

2006-06-26 - TEAS Section 8 & 15 Received

2006-03-17 - Case File In TICRS

2000-06-27 - Registered - Principal Register

2000-05-11 - Allowed for Registration - Principal Register (SOU accepted)

2000-04-18 - Assigned To Examiner

2000-04-13 - Statement of use processing complete

2000-02-17 - Amendment to Use filed

1999-12-07 - Notice of allowance - mailed

1999-09-14 - Published for opposition

1999-08-13 - Notice of publication

1999-06-07 - Approved for Pub - Principal Register (Initial exam)

1999-05-10 - Communication received from applicant

1999-02-09 - Non-final action mailed

1999-01-29 - Assigned To Examiner

1999-01-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
LAWRENCE A SWAIN

Correspondent

LAWRENCE A SWAIN
SHUGHART THOMSON & KILROY PC
9225 INDIAN CREEK PARKWAY, SUITE 1100
OVERLAND PARK, KANSAS 66210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 2294169 SERIAL NO: 75/485345 MAILING DATE: 12/06/2005
REGISTRATION DATE: 11/23/1999
MARK: CLASSIC COLLECTION
REGISTRATION OWNER: Davis-Frost, Inc.

CORRESPONDENCE ADDRESS:

LAURA J. HEIN
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA
P.O. BOX 2906
MINNEAPOLIS MN 55402-0906

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
002.

ROBERTS, SHARON YVONNE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:05:02 ET

Serial Number: 75485345 Assignment Information

Registration Number: 2294169

Mark (words only): CLASSIC COLLECTION

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2005-12-06

Filing Date: 1998-05-14

Transformed into a National Application: No

Registration Date: 1999-11-23

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2005-12-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Davis-Frost, Inc.

Address:

Davis-Frost, Inc.

P.O. Box 10578 3416 Candler's Mountain Road

Lynchburg, VA 245060578

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Minnesota

GOODS AND/OR SERVICES

International Class: 002

Class Status: Active

Protective and decorative interior and exterior coatings in the nature of paints

Basis: 1(a)

First Use Date: 1991-09-00

First Use in Commerce Date: 1991-09-00

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-12-06 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-12-02 - Assigned To Paralegal

2005-08-31 - Section 8 (6-year) and Section 15 Filed

2005-08-31 - TEAS Section 8 & 15 Received

2004-11-05 - TEAS Change Of Correspondence Received

1999-11-23 - Registered - Principal Register

1999-05-13 - Extension Of Time To Oppose Received

1999-04-13 - Published for opposition

1999-03-12 - Notice of publication

1999-02-01 - Approved for Pub - Principal Register (Initial exam)

1999-01-26 - Examiner's amendment mailed

1999-01-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LAURA J. HEIN

Correspondent

LAURA J. HEIN

GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA

P.O. BOX 2906

MINNEAPOLIS MN 55402-0906

Phone Number: 612-632-3000

Fax Number: 612-632-4444

Int. Cl.: 21

Prior U.S. Cl.: 29

United States Patent and Trademark Office

Reg. No. 1,648,544
Registered June 18, 1991

**TRADEMARK
PRINCIPAL REGISTER**

THE CLASSIC COLLECTION

**SUNSHINE INDUSTRIES, INC. (OHIO CORPORATION)
1111 EAST 200TH STREET
CLEVELAND, OH 44117**

**FOR: CLEANING IMPLEMENTS; NAMELY,
BROOMS, BRUSHES, MOPS AND SQUEEGEES,
IN CLASS 21 (U.S. CL. 29).**

**FIRST USE 7-0-1990; IN COMMERCE
7-0-1990.**

SN 74-036,023, FILED 3-8-1990.

ELLEN A. RUBEL, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-30 12:06:16 ET

Serial Number: 74036023 Assignment Information

Registration Number: 1648544

Mark (words only): THE CLASSIC COLLECTION

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 1997-12-22

Filing Date: 1990-03-08

Transformed into a National Application: No

Registration Date: 1991-06-18

Register: Principal

Law Office Assigned: LAW OFFICE 13

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1996-06-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SUNSHINE INDUSTRIES, INC.

Address:

SUNSHINE INDUSTRIES, INC.

1111 East 200th Street

Cleveland, OH 44117

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Ohio

GOODS AND/OR SERVICES

International Class: 021

Class Status: Section 8 - Cancelled

cleaning implements; namely, brooms, brushes, mops and squeegees

Basis: 1(a)

First Use Date: 1990-07-00

First Use in Commerce Date: 1990-07-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1997-12-22 - Canceled Section 8 (6-year)

1996-05-30 - Cancellation terminated for Proceeding

1996-05-30 - Cancellation dismissed for Proceeding

1994-12-05 - Cancellation Instituted No. 999999

1991-06-18 - Registered - Principal Register

1991-03-04 - Allowed for Registration - Principal Register (SOU accepted)

1991-02-28 - Assigned To Examiner

1991-02-19 - Statement of use processing complete

1991-01-28 - Amendment to Use filed

1990-11-20 - Notice of allowance - mailed

1990-08-28 - Published for opposition

1990-07-28 - Notice of publication

1990-06-26 - Approved for Pub - Principal Register (Initial exam)

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Daniel J. Sammon

Correspondent

Daniel J. Sammon

Watts, Hoffmann, Fisher & Heinke Co.

100 Erieview Plaza

Suite 2850

Cleveland, OH 44114-1824

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Aug 2, 2005

Kevin G. Smith
SUGHRUE MION, PLLC
Suite 800
2100 Pennsylvania Ave., N.W.
Washington, DC 20037-3213

ATTORNEY
REFERENCE NUMBER

S8470

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER:	78/399207
MARK:	THE CLASSIC COLLECTION (STANDARD CHARACTER MARK)
OWNER:	Expedia, Inc. Suite 400 13810 SE Eastgate Way Bellevue, WASHINGTON 98005

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO	Section 1(b): YES	Section 44(e): NO
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GOODS/SERVICES BY INTERNATIONAL CLASS

039 - Organizing and arranging custom and packaged vacation trips, travel tours and sightseeing tours, and on-location golf, sports and entertainment activities and activities packages sold as a part thereof; wholesale and retail travel agency services, namely making reservations and bookings for air, ground and sea transportation services; organizing and arranging ground escorted and self-driving tours and excursions

043 - Wholesale and retail travel agency services, namely making reservations and booking for temporary lodging at hotels, resorts, condominiums

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 78399207 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

**THE CLASSIC
COLLECTION**

(words only): THE CLASSIC COLLECTION

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2006-05-30

Filing Date: 2004-04-09

The Notice of Allowance Date is: 2005-08-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
MATTHEWS AMOS THOMAS Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2005-08-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Expedia, Inc.

Address:
Expedia, Inc.
Suite 400 13810 SE Eastgate Way
Bellevue, WA 98005
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Washington

GOODS AND/OR SERVICES

International Class: 039**Class Status:** Active

Organizing and arranging custom and packaged vacation trips, travel tours and sightseeing tours, and on-location golf, sports and entertainment activities and activities packages sold as a part thereof; wholesale and retail travel agency services, namely making reservations and bookings for air, ground and sea transportation services; organizing and arranging ground escorted and self-driving tours and excursions

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 043**Class Status:** Active

Wholesale and retail travel agency services, namely making reservations and booking for temporary lodging at hotels, resorts, condominiums

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"**Prior Registration Number(s):**

1093417

1416966

1428765

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-30 - Extension 2 granted

2006-05-30 - Extension 2 filed

2006-05-30 - TEAS Extension Received

2006-01-30 - Extension 1 granted

2006-01-30 - Extension 1 filed

2006-01-30 - TEAS Extension Received

2005-08-02 - Notice of allowance - mailed

2005-05-10 - Published for opposition
2005-04-20 - Notice of publication
2005-01-25 - Law Office Publication Review Completed
2004-12-17 - Approved for Pub - Principal Register (Initial exam)
2004-12-17 - EXAMINERS AMENDMENT E-MAILED
2004-12-17 - Examiners Amendment -Written
2004-10-29 - Amendment From Applicant Entered
2004-10-20 - Communication received from applicant
2004-10-29 - Assigned To LIE
2004-10-20 - PAPER RECEIVED
2004-10-15 - PAPER RECEIVED
2004-09-01 - Examiner's Amendment Entered
2004-09-03 - Assigned To LIE
2004-09-01 - Examiner's Amendment And/Or Priority Action E-Mailed
2004-09-01 - SU - Examiner's Amendment And/Or Priority Action - Written
2004-08-31 - Assigned To Examiner
2004-04-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kevin G. Smith

Correspondent

Kevin G. Smith
SUGHRUE MION, PLLC
Suite 800
2100 Pennsylvania Ave., N.W.
Washington, DC 20037-3213
Phone Number: 202-775-7566
Fax Number: 202-293-7860

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Oct 11, 2005

JAY K. MEADWAY
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 MARKET ST FL 51
PHILADELPHIA PA 19103-7599

ATTORNEY
REFERENCE NUMBER

095782

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER:	76/607941
MARK:	SEGA CLASSICS COLLECTION (STANDARD CHARACTER MARK)
OWNER:	Kabushiki Kaisha Sega 1-2-12, Haneda, Ohta-ku Tokyo, JAPAN

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - video game software; computer game programs

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 76607941 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

SEGA CLASSICS COLLECTION

(words only): SEGA CLASSICS COLLECTION

Standard Character claim: Yes

Current Status: The final review before registration has been completed for this Intent to Use application and it will register in due course.

Date of Status: 2006-11-27

Filing Date: 2004-08-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:
STRASER RICHARD A Employee Location

Current Location: M5X -TMO Law Office 114 - Examining Attorney Assigned

Date In Location: 2006-11-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Kabushiki Kaisha Sega

Address:
Kabushiki Kaisha Sega
1-2-12, Haneda, Ohta-ku
Tokyo
Japan

Legal Entity Type: Corporation
State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

video game software

Basis: 1(a)**First Use Date:** 2005-03-22**First Use in Commerce Date:** 2005-03-22

ADDITIONAL INFORMATION

Disclaimer: "COLLECTION"**Prior Registration Number(s):**

1050573

1566116

2315166

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-27 - Law Office Registration Review Completed

2006-11-24 - Assigned To LIE

2006-11-15 - Allowed for Registration - Principal Register (SOU accepted)

2006-11-15 - Amendment From Applicant Entered

2006-11-01 - Communication received from applicant

2006-11-01 - PAPER RECEIVED

2006-06-05 - Assigned To Examiner

2006-05-19 - Non-final action mailed

2006-05-18 - SU - Non-Final Action - Written

2006-04-16 - Statement of use processing complete

2006-03-29 - Amendment to Use filed

2006-03-29 - TEAS Statement of Use Received

2005-10-11 - Notice of allowance - mailed

2005-07-19 - Published for opposition

2005-06-29 - Notice of publication

2005-04-12 - Law Office Publication Review Completed

2005-04-01 - Assigned To LIE

2005-03-30 - Approved for Pub - Principal Register (Initial exam)

2005-03-18 - Assigned To Examiner

2004-08-31 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

JAY K. MEADWAY

Correspondent

JAY K. MEADWAY

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Phone Number: 215-864-8101

Fax Number: 215-864-9803

Domestic Representative

Ballard Spahr Andrews & Ingersoll, LLP

Phone Number: 215-665-8500

Fax Number: 215-864-8999
